

## UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

May 27, 2020

SEAN F. McAVOY, CLERK

Ruth Smith, individually, and as personal representative of  
the Estate of DONALD SMITH, and KYLE MOSS and  
SAMANTHA (BAIRD) MOSS, husband and wife,

Plaintiff

v.

Civil Action No. 2:18-cv-00 179-SMJ

BNSF RAILWAY COMPANY, Doe  
Defendants I through X,

Defendant

## JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

☐ the plaintiff (*name*) \_\_\_\_\_ recover from the  
defendant (*name*) \_\_\_\_\_ the amount of  
\_\_\_\_\_ dollars (\$ \_\_\_\_\_), which includes prejudgment  
interest at the rate of \_\_\_\_\_ %, plus post judgment interest at the rate of \_\_\_\_\_ % per annum, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) \_\_\_\_\_  
\_\_\_\_\_ recover costs from the plaintiff (*name*) \_\_\_\_\_

☒ other: Judgment is entered in favor of Plaintiffs Ruth Smith, both individually and in her capacity as executor of the estate of Donald Smith (The "Smiths"), Kyle Moss, and Samantha Moss, and against Defendant BNSF, in the sum of \$370,971.00 to the Smiths and \$55,371.00 to Kyle Moss and Samantha Moss, less the amount of costs accrued in favor of the Plaintiffs, with the result that the total judgment amount, including recoverable costs, which Defendants are obligated to pay, is \$426,342.00. This is the total amount to be paid by Defendant BNSF on account of any liability claimed in this action, including all costs of suit and attorney's fees otherwise recoverable in this action by Plaintiffs.

This action was (*check one*):

☐ tried by a jury with Judge \_\_\_\_\_ presiding, and the jury has  
rendered a verdict.

☐ tried by Judge \_\_\_\_\_ without a jury and the above decision  
was reached.

☐ decided by Judge \_\_\_\_\_ on a motion for

Judgment entered pursuant to Plaintiffs' Notice of Acceptance of Offer of Judgment from Defendant BNSF Railway Company pursuant to Federal Rule of Civil Procedure 68.

Date: May 27, 2020

CLERK OF COURT

SEAN F. McAVOYs/ Sara Gore

(By) Deputy Clerk

Sara Gore